

Doc. #5081
ADAPTED
8/18/88

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an ORDER OF TAKING dated *August 18, 1988* relating to portions of the FENWAY URBAN RENEWAL AREA, MASS. R-115, be executed and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Robert L. Farrell
Joseph J. Walsh
James K. Flaherty

Clarence J. Jones
Michael F. Donlan

A true copy

ATTEST:

Kaus J. ...
Secretary of the Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c. 121B and its predecessor statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 8195, page 523, an Order of Taking, dated March 28, 1968, concerning and describing the FENWAY URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, §40.

NOW THEREFORE BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant to the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with any and all easements and rights appurtenant thereto, including the trees, buildings and other structures standing upon or affixed thereto, and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto.

AND FURTHER ORDERED that in accordance with the provisions of the General Laws, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons including all mortgagees of record having any and all interest in each parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the right to amend the awards at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B which ANNEX B is not to be recorded in the Registry of Deeds with this Order of Taking.

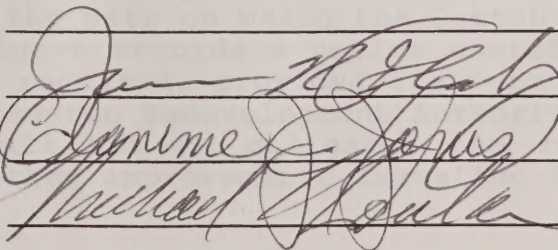
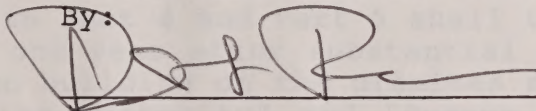
AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

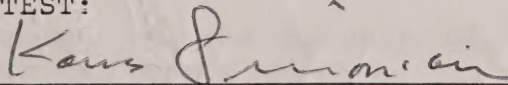
DATED:

BOSTON REDEVELOPMENT AUTHORITY

By:

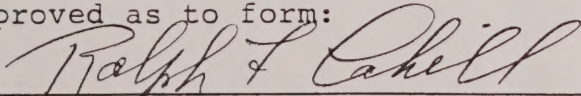


ATTEST:



Secretary of the Boston Redevelopment Authority

Approved as to form:



Ralph F. Cahill, Assistant General Counsel

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

FENWAY URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following parcels are to be taken by this Order of Taking:

PARCEL 1: A parcel of land in the Fenway Urban Renewal Area of Boston, Suffolk County, Massachusetts, containing approximately 3,373 square feet, shown as Part 1 on a Plan entitled, "Taking Plan, Fenway Urban Renewal Area, Boston, Redevelopment Authority, Boston, Suffolk County, Massachusetts," prepared by Cullinan Engineering Co., Inc., Auburn - Boston, Massachusetts, Civil Engineers - Land Surveyors, dated June 27, 1988, consisting of two sheets, which Plan is recorded herewith.

PARCEL 2: A parcel of land in the Fenway area of Boston, Suffolk County, Massachusetts, being a subsurface area containing approximately 370 square feet, from elevation 19.50 at the southeasterly corner to elevation 24.50 at the northeasterly corner, and continuing below, shown as Part 2 on the above Plan.

PARCEL 3: Certain air rights in the Fenway area of Boston, Suffolk County, Massachusetts, containing approximately 1,003 square feet, from elevation 36.70± to elevation 218.00± shown as Part 3 on the above Plan.

PARCEL 4: A subsurface easement for construction purposes in the Fenway area of Boston, Suffolk County, Massachusetts, containing approximately 3,801 square feet, from an elevation 2.5 inches below the existing grade and continuing below, shown as Part 4 on the above Plan.

PARCEL 5: A subsurface easement for construction purposes in the Fenway area of Boston, Suffolk County, Massachusetts, containing approximately 21,406 square feet, from an elevation 2.5 inches below the existing grade and continuing below, shown as Part 5 on the Plan.

The easements described in Part 4 and Part 5 shall terminate upon the earlier to occur of one year after substantial completion of construction of an office building on the premises shown as owned by "Massachusetts Turnpike Authority" and "Boston Redevelopment Authority" on the Plan, or the date on which the Boston Redevelopment Authority or its designee records a notice certifying that this easement is no longer required; provided that upon termination of the easements, the Boston Redevelopment Authority and its successors and assigns shall not be obligated to remove any sheet piling, tiebacks or other improvements installed in Parcels 4 or 5.

All references to elevations herein are to Boston City Base.

The owner of the parcels of land hereby taken is the City of Boston or owners unknown.

ANNEX B

BOSTON REDEVELOPMENT AUTHORITY

FENWAY URBAN RENEWAL AREA

AWARD OF DAMAGES

No awards are made with this Order of Taking

EXECUTIVE
SUMMARY:

THIS MEMORANDUM REQUESTS THE AUTHORITY TO ADOPT A CONFIRMATORY ORDER OF TAKING FOR CORNICE OVERHANGS, SHEET PILING AND TIEBACKS ON GARRISON STREET, MARSHFIELD STREET AND HUNTINGTON AVENUE TO CONFORM TO THE DISCONTINUOUS AREAS OF THE STREETS NECESSITATED BY THE PLANS FOR THE BUILDING.

On January 18, 1968, the Authority granted final designation to Urban Improvement and Development Company as developer of 116 Huntington Avenue in the Back Bay (Parcel 1) in the Fenway Urban Renewal Area to construct a 10-story office building with two levels of underground accessory parking (15' to 51' subterranean). At the time above surface, subterranean and above ground foot workings were made on portions of Garrison and Marshfield Streets and Huntington Avenue for purposes of the underground garage, overhanging corridors, light shafts and steel piling. These earlier taking areas have been modified slightly and in order to conform to discontinuities before the Public Improvements Commission it is now necessary to adopt an Order of Taking that conforms to these portions shown on the Discontinuities Plans.

This Confirmatory Order of Taking is for Title purposes purposes only and does not involve the award of any damages.

Therefore, it is requested that the Authority adopt the accompanying Order of Taking for these other Parcels regarding 116 Huntington Avenue in the Fenway Urban Renewal Area.

VOTED:

That the Boston Redevelopment Authority execute an Order of Taking relating to above Parcels, units 1, 2, 3, 4 and 5 in the Fenway Urban Renewal Area as shown on a Plan entitled "Taking Title, Fenway Urban Renewal Area, Boston Redevelopment Authority, Boston Building Society Massachusetts" prepared by Eugene Ferguson and Associates, dated June 28, 1968.

attach 0/T

MEMORANDUM

AUGUST 18, 1988

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: WILLIAM D. WHITNEY, ASSISTANT DIRECTOR FOR
URBAN DESIGN AND DEVELOPMENT
VICTOR KAREN, SENIOR ARCHITECT
RALPH CAHILL, ASSISTANT GENERAL COUNSEL

SUBJECT: CONFIRMATORY ORDER OF TAKING
116 HUNTINGTON AVENUE IN THE BACK BAY PARCEL 1, FEN-
WAY URBAN RENEWAL AREA

EXECUTIVE
SUMMARY:

THIS MEMORANDUM REQUESTS THE AUTHORITY TO ADOPT A CONFIRMATORY ORDER OF TAKING FOR CORNICE OVERHANGS, SHEET PILINGS AND TIEBACKS ON GARRISON STREET, HARCOURT STREET AND HUNTINGTON AVENUE TO CONFORM TO THE DISCONTINUED AREAS OF THE STREETS NECESSITATED BY THE PLANS FOR THE BUILDING.

On January 14, 1988, the Authority granted final designation to Urban Investment and Development Company as developer of 116 Huntington Avenue in the Back Bay (Parcel 1 in the Fenway Urban Renewal Area) to construct a 14-story office building with two levels of underground accessory parking (55 to 61 automobiles). At the time minor surface, subsurface and above grade land takings were made on portions of Garrison and Harcourt Streets and Huntington Avenue for purposes of the underground garage, overhanging cornices, light capitals and sheet pilings. These minor taking areas have been modified slightly and in order to conform to discontinuances before the Public Improvements Commission it is now necessary to adopt an Order of Taking that conforms to those portions shown on the Discontinuance Plans.

This Confirmatory Order of Taking is for Title perfection purposes only and does not involve the award of any damages.

Therefore, it is requested that the Authority adopt the appropriate Order of Taking for those sliver Parcels regarding 116 Huntington Avenue in the Fenway Urban Renewal Area.

VOTED: That the Boston Redevelopment Authority execute an Order of Taking relating to sliver Parcels, parts 1, 2, 3, 4 and 5 in the Fenway Urban Renewal Area as shown on a Plan entitled "Taking Plan, Fenway Urban Renewal Area, Boston Redevelopment Authority, Boston Suffolk County Massachusetts" prepared by Cullinan Engineers-Land Surveyors, dated June 24, 1988.



* = Under Construction

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